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## Ocean Grabbing

### What is the issue?

The “Blue Economy”, as originally proposed by Small Island Developing States (SIDS), is the concept of prosperous but balanced development of the ocean that is environmentally sustainable, but also culturally appropriate and focused on social equity and well-being. However, a disproportionate focus on economic growth has led to uncontrolled “ocean grabs”, which is the [act of dispossession or appropriation of marine resources or spaces](#) that diverts resources away from local populations.

The [concentration of revenue](#) in the ocean economy among a small group of global companies is resulting in benefits disproportionately flowing to economically powerful states and businesses, while negative environmental and social consequences continue to fall largely on developing nations and [local communities](#). Clear checks and balances are needed to address the uneven distribution of costs and benefits and prevent [substantial social harms](#).

### Whose human rights are impacted?

Two groups are particularly at risk due to ocean grabs:

#### Coastal communities and indigenous peoples

Local populations often rely on the ocean and their resources for food security, transportation, livelihoods, culture and economic development. Coastal populations in least developed countries and SIDS are often particularly reliant on, and therefore particularly vulnerable to changes in access to, resources. Small-scale fisheries are one of the world’s largest and oldest sources of livelihood. While some may participate in the formal economy and even in [global value chains](#), many more are in the informal economy.

#### ABOUT THE OCEAN AND HUMAN RIGHTS PLATFORM

Led by the [Institute for Human Rights and Business](#) and the [Rafto Foundation](#), the Ocean and Human Rights Platform is a collaborative movement to raise awareness to prevent and address adverse human rights impacts across the ocean’s industries. The Ocean Platform works with a global network of business, government, human rights defenders, civil society partners, academia and national human rights institutions.

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#### » CASE STUDY

In Rabobank’s recent USD\$100 million “green and social” loan to AgroSuper, a Chilean salmon company, the loan agreement requires AgroSuper to reduce the use of antibiotics and increase the number of eco-certifications, amongst other environmental and social requirements.

These communities are increasingly being **impacted by a range of ocean developments**:

- **industrial fishing fleets** (and illegal, unreported and unregulated (IUU) fishing);
- **large-scale aquaculture**;
- **establishment of no-fishing reserves for conservation**;
- mangrove conservation for blue carbon;
- coastal infrastructure (ports, processing plants, desalination plants);
- industrialisation;
- resource extraction;
- tourism;
- illegal harvest of resources; and
- dispossession of community lands after natural disasters.

The exclusion is **happening through a number of routes** that affect their **access to both place and resources** through:

- shifts to market-based mechanisms – such as allocation of fishing rights;
- physical exclusion such as barriers, enclosures, prohibitions or forced displacement;
- the reduction of resources due to depletion and degradation;
- the subversion of legal avenues and harvesting rights;
- increased competition over resources or areas of the ocean; and
- exclusion from decision-making.

### Human rights defenders

Those who raise concerns about ocean grabbing and human rights violations – such as **environmental human rights defenders** – are increasingly under threat, and face physical and **legal** reprisals for their engagement in public protest and civil dissent. **Ocean defenders** range from small-scale fishers (**aquatic ecosystem defenders**), and observers on large-scale industrial fishing vessels (who have been called the “world’s **most at risk environmental human rights defenders**”), to individuals and organisations focused on **ocean justice**, and local **ocean witnesses** dedicated to preserving the ocean. Threats to human rights defenders and to civic freedoms are a concern for **business agendas as well**, highlighting the role of businesses in either contributing to these threats or mitigating them.

### Which businesses should pay attention?

There are a wide range of businesses involved in the Blue Economy that could be accused of ‘ocean grab’: businesses directly involved in coastal and ocean operations, as well as their contractors, suppliers, advisers, and financial institutions. Relevant sectors include:

- **Fishing & aquaculture** developments can **compete for geographic space, fisheries resources, and impact environmentally upon fishing grounds** of small-scale fishers.
- **Tourism** facilities and activities, transport and logistic operations can displace local communities and users entirely or limit their activities and access to resources. (See separate **Ocean Tourism briefing**)



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### CASE STUDY

Uganda’s fishing communities in Lake Victoria **have experienced dispossession** as a result of coastal lands being given away to investors – a result of growing foreign direct investment in the country.

Observers on large-scale industrial fishing vessels have been called the “world’s most at risk environmental human rights defenders”.



Pixabay – Andrew Martin

- **Infrastructure** ports, coastal infrastructure, landing stations for submarine cables and pipelines, and desalination plants may assume, without appropriate due diligence, that government processes of land acquisition and expropriation for these facilities have taken account of the tenure rights of local communities.
- **Shipping, including shipbreaking** can directly displace traditional users, or disrupt their traditional patterns of uses, or degrade the resources on which they rely.
- **Offshore energy and mining** (See separate [Offshore Renewable Energy and Deep Seabed Mining briefings](#)) increasingly seek to claim areas of the ocean and develop marine resources that either directly displace traditional users, or can disrupt their traditional patterns of uses, or degrade the resources on which they rely.
- **Blue carbon** initiatives are on the rise in response to climate change and like conservation efforts, have important environmental objectives, but can displace communities reliant on the resources, creating tension and resentment that undermines conservation goals.
- **Biotechnology companies** involved in bioprospecting need to engage in responsible and equitable sharing of benefits derived from the [use of marine genetic resources](#).

## What should businesses do?

The UN Guiding Principles on Business and Human Rights (UNGPs) call on businesses to respect human rights through ongoing due diligence processes. These are reinforced by important messages on ocean equity highlighted by the [High Level Panel for a Sustainable Ocean Economy](#). Businesses should undertake the following in all their activities:

- **Recognise and prioritise the rights of small-scale fishers** and don't confuse rights-based fishing with human rights based approaches if activities will adversely [impact local communities and small-scale fishers](#) (see separate [Fishing & Aquaculture briefing](#)). The Food and Agricultural Organisation (FAO)'s [Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication](#), while not directed at the private sector, provide important principles for supporting small scale fishers and fish workers. They acknowledge the long history of customary and traditional tenure systems in fishing communities that [are not always recognised](#) under national law. The economic rationale behind transferable quotas can and has led to the exclusion of local communities, small-scale fishers and indigenous peoples.
- **Recognise and engage with human rights defenders.** Meeting the corporate responsibility to respect human rights under the UNGPs requires that business activities, actions and omissions [do not lead to retaliation, violence or stigmatisation against those individuals and organisations](#) (such as ocean defenders) who may contest proposed Blue Economy activities. Instead, businesses should engage with them as an important expert resource and respond to their concerns in good faith.
- **Participate in inclusive Marine Spatial Planning (MSPs).** MSPs are important tools to rationalise the allocation of marine space between various ecological, social, and economic interests.

## FINANCE

To ensure that the growth of development and “Blue Economy” financing does not simultaneously encourage ocean grabbing, both public and private financial actors should take a human rights approach to their activities.

Financial institutions should ensure that funding aimed at improving ocean stewardship does not undermine the availability of natural resources of local populations and instead, that funding positively supports local communities and small fisheries to maintain their traditional stewardship with access to new opportunities for their livelihoods. This may include:

- conservation financing (see for example IUCN's [indigenous peoples strategy](#));
- climate financing (such as the Green Climate Fund's [indigenous peoples policy](#));
- small scale fisheries; and
- aquaculture programmes.

Private sector financial institutions that rely on the [IFC Performance Standards](#) or the [Equator Principles](#) (that are based on the IFC Performance Standards) should be aware that these standards are not geared towards marine based projects but can be adapted to do so.



However, MSPs can also [facilitate spatial enclosures for the purposes of blue growth](#), resulting in creeping enclosures that exclude coastal communities and traditional users. MSP processes need to explicitly [recognise and respect historical, pre-existing property rights](#). Done well, MSPs can reinforce the important procedural rights to information, and participation of local communities in decision-making about their communal resources.

- **Remedy any adverse impacts on local communities.** Where negative human rights impacts occur, then mitigation and remedial measures are needed through compensation, providing alternative access to resources, providing alternative livelihood opportunities, etc.
- **Support local economic development.** This can be through business relationships in local communities through local businesses or supply chains that support economic development with decent work standards and human rights protections.
- **Develop approaches to sharing benefits.** The minerals extractive sector has long-established approaches to community benefit sharing. Given that ocean economy sectors also rely on natural resources – fish, medium for transport, wind, minerals, etc – as the extractive sector does, there is an equally strong argument for developing approaches to benefit sharing that secures an equitable distribution of social gains, drawing on and [adapting learning from other areas](#).

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#### RESOURCES: Some useful existing work/initiatives

##### Multi-stakeholder Initiatives

- [High Level Panel for a Sustainable Ocean Economy](#)
- [UN Global Compact Ocean Stewardship Coalition](#)

##### Resource Banks

- [One Ocean Hub](#)
- [Nippon Foundation Ocean Nexus Center](#)
- [The Peopled Seas Initiative, Institute for the Oceans and Fisheries, University of British Columbia, Vancouver, Canada](#)
- [Stockholm Resilience Centre, The Human Ocean](#)
- [Duke University Nicholas Institute for Environmental Policy Solutions, Oceans](#)
- [Stanford Center for Oceans Solutions](#)
- [SeaBos](#)

##### Civil Society

- [Health of Mother Earth Foundation](#)
- [The Fishnet Alliance](#)
- [Deep Sea Conservation Coalition](#)

#### RESOURCES: International standards & guidance

##### Human Rights

- [UN Guiding Principles on Business and Human Rights \(2011\)](#)
- [OECD Guidelines for Multinational Enterprises \(2011\)](#)

##### Sustainable Development Goals

- [SDG 14 – Life Below Water](#)

##### Fisheries

- [FAO, Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication \(2015\)](#)
- [FAO The Code of Conduct for Responsible Fisheries and Indigenous Peoples \(2009\)](#)
- [FAO – Vigo Dialogue on social responsibility in the fisheries and aquaculture value chains \(on-going\)](#)
- [ILO Convention 188 Work in Fishing Convention \(2007\)](#)